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SUBJECT: UNESCO 181ST EXECUTIVE BOARD: FIRST STEPS TOWARD NEW
RECOMMENDATION ON CONSERVATION OF HISTORIC URBAN LANDSCAPES

¶1. UNESCO's Executive Board at its 181st session in April 2009 took a decisive step toward future adoption of a new UNESCO Recommendation (or non-binding standard-setting instrument) on conservation of the historic urban landscape. The Board proposed that the 35th session of UNESCO's General Conference in October 2009 "take action aimed at drawing up" such a Recommendation. The decision did, however, not propose or set any explicit or target deadlines for completion of the drafting process.

¶2. While there was substantial support for a new Recommendation on this subject, the decision was reached only after a spirited and constructive (by UNESCO's standards) debate over both the need for such an instrument and its added value to the international community. For example, the Spanish Ambassador said it should reflect best practices based upon experience in all (emphasis on all) countries and should follow a truly international consultation/negotiations process. India's Ambassador said "this issue needs to be looked at very sensitively and cautiously." India noted that the term "urban landscape" is an amorphous one in places like India and Indonesia. Brazil and Germany said that, while action needed to be taken in this area, already existing instruments on this subject needed to be organized more coherently (something which the U.S. had also said). China's Ambassador emphasized the impact of globalization, climate change, and the need to reconcile urban development and conservation; new policy guidelines were needed in this regard. Similar themes were echoed by Morocco, Tanzania, and Cuba.

¶3. The U.S. called attention to the more than one dozen instruments already touching on this field (some adopted as recently as 2005 and 2008); stressed the importance of limiting any standard-setting instrument to a Recommendation only, and not an international convention; noted the lack of clarity in the preliminary study as to whether the new Recommendation would replace or supplement existing instruments; underlined the need for further study as to what the real problems were; and highlighted the need for an approach that enables prior consultations with local urban authorities and communities for their input in formulating such an instrument.

¶4. The U.S. Delegation, when intervening in the debate on this issue, drew substantially from the guidance and talking points provided by the State and Interior Departments. We were unsuccessful in convincing the Board to accept one or two aspects of that guidance, such as our view that there are no new challenges to policy-makers in this field, only the same problems that present themselves more frequently and on a larger scale. However, we were able to re-shape the wording of the draft decision in important respects. For example, we were able to get the wording of the decision changed (in paragraph 3) so that it now says that existing standard-setting instruments "may not" adequately address modern day concerns rather than (as originally worded) "do not" adequately address those concerns. Similarly, we persuaded the Board to remove the erroneous reference (in paragraph 4 of the decision) to the other existing urban landscape documents as "existing legal instruments." Instead, paragraph 4 now refers to updating "the existing UNESCO standard-setting instruments on this matter." Moreover, we were able to insert language into the decision that

instructs the UNESCO Director-General to submit not just the preliminary study on this instrument to the 35th General Conference but also the "relevant observations" concerning it that arose during the course of the Board's debate at its 181st session.

15. Comment: Sentiment in favor of a new Recommendation was too strong for us to stop it entirely. We succeeded in slowing the momentum towards a new Recommendation, however, and in highlighting cautionary markers. It is likely that the General Conference, when it meets in the fall of 2009, will approve at least in concept the idea of eventually adopting a new Recommendation on conserving the historic urban landscape. This is not certain, however. The voices of caution from both developed and developing countries at the just finished Executive Board session could become more numerous at the General Conference, where all 193 Member States, rather than the Executive Board's 58 Member States, will be the final decision-makers. The U.S. will need to monitor closely the evolution of this Recommendation process to ensure that it does not become an intrusive instrument that seeks to constrict and dictate urban land use policy-making in countries like the United States. To prevent such an instrument from being adopted, the U.S. will need to maintain active involvement in the negotiations that will shape the scope and content of the new Recommendation. An added reason to do so is that, once it is adopted, the U.S., like all other UNESCO Member States, will become legally obliged (under the UNESCO Constitution) to submit periodic reports to UNESCO on its implementation.

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